



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,547	12/07/2000	Karim Nathoo	77666-6 /pw	9341
7380 7590 12/27/2007 SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA			EXAMINER FIELDS, COURTNEY D	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 12/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

70

<b>Office Action Summary</b>	<b>Application No.</b> 09/730,547	<b>Applicant(s)</b> NATHOO ET AL.	
	<b>Examiner</b> Courtney D. Fields	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 10-52 is/are allowed.
- 6) ☒ Claim(s) 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 8, 28, and 29 have been amended.
2. Claim 9 has been cancelled.
3. Claims 1-8 and 10-55 are pending.

### ***Response to Arguments***

4. Applicant's arguments filed 03 December have been fully considered and they are persuasive.
5. However, there are further issues which remain to be resolved in order to place the application into allowable form. The Examiner contacted Attorney R. Allan Brett on December 19, 2207 to quickly resolve the issues. No response has been received therefore, the Examiner will proceed to address the issues.

### ***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 December 2007 has been entered.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant has failed to provide antecedent basis for the

claim terminology "computer readable medium". Applicant has not provided an explicit and deliberate (i.e. limiting) definition of the terminology. The terminology "computer readable medium" used in claims 53-55 would fairly suggest to one of ordinary skill in the art to convey signals, forms of propagation and transmission media, typewritten or handwritten text on paper, or other items failing to be an appropriate manufacture under 35 USC 101 in the context of computer-related inventions.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 53-55 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As shown in the specification on page 10, Claims 53-55 fails to fall within a statutory category of invention. It is directed to a program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter. Therefore, it's non-statutory under 35 USC 101.

***Allowable Subject Matter***

8. Claims 1-8 and 10-52 are allowed.

Application/Control Number:  
09/730,547  
Art Unit: 2137

Page 4

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

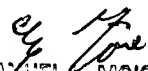
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

December 21, 2007



EMMANUEL L. MOISE  
SUPERVISOR/PATENT EXAMINER

**RECEIVED  
CENTRAL FAX CENTER****DEC 03 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/730,547  
Applicant : Karim Nathoo, et al.  
Filed : December 7, 2000  
TC/A.U. : 2137  
Examiner : Courtney D. Fields

Confirmation No. 9341

Docket No. : 77666-6  
Customer No. : 07380

**MAIL STOP AF****AMENDMENT AFTER FINAL  
EXPEDITED HANDLING REQUESTED**

Commissioner for Patents  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

In response to the Final Office Action dated October 2, 2007, please amend this application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 12 of this paper.

An Appendix including an amended abstract is attached following page 19 of this paper.

# Index of Claims



Application No.

09/730,547

Examiner

Courtney D. Fields

Applicant(s)

NATHOO ET AL.

Art Unit

2137

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original										
	1	=									
	2	=									
	3	=									
	4	=									
	5	=									
	6	=									
	7	=									
	8	=									
	9	=									
	10	=									
	11	=									
	12	=									
	13	=									
	14	=									
	15	=									
	16	=									
	17	=									
	18	=									
	19	=									
	20	=									
	21	=									
	22	=									
	23	=									
	24	=									
	25	=									
	26	=									
	27	=									
	28	=									
	29	=									
	30	=									
	31	=									
	32	=									
	33	=									
	34	=									
	35	=									
	36	=									
	37	=									
	38	=									
	39	=									
	40	=									
	41	=									
	42	=									
	43	=									
	44	=									
	45	=									
	46	=									
	47	=									
	48	=									
	49	=									
	50	=									

Claim		Date									
Final	Original										
	51	=									
	52	=									
	53	√									
	54	√									
	55	√									
	56										
	57										
	58										
	59										
	60										
	61										
	62										
	63										
	64										
	65										
	66										
	67										
	68										
	69										
	70										
	71										
	72										
	73										
	74										
	75										
	76										
	77										
	78										
	79										
	80										
	81										
	82										
	83										
	84										
	85										
	86										
	87										
	88										
	89										
	90										
	91										
	92										
	93										
	94										
	95										
	96										
	97										
	98										
	99										
	100										

Claim		Date									
Final	Original										
	101										
	102										
	103										
	104										
	105										
	106										
	107										
	108										
	109										
	110										
	111										
	112										
	113										
	114										
	115										
	116										
	117										
	118										
	119										
	120										
	121										
	122										
	123										
	124										
	125										
	126										
	127										
	128										
	129										
	130										
	131										
	132										
	133										
	134										
	135										
	136										
	137										
	138										
	139										
	140										
	141										
	142										
	143										
	144										
	145										
	146										
	147										
	148										
	149										
	150										